

### **REMARKS**

Claims 1-32 are pending in the present application. Claims 1-3, 8-10, 12-15, 20-22, 24, 25, 27, 29-30 and 32 have been amended. Claims 1, 13 and 25 are independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Objection to the Specification**

The specification stands objected to for minor informalities. As the Examiner will note, the specification has been amended in the manner suggested by the Examiner. Therefore, the specification objection has been obviated.

#### **Claim Objection**

Claim 26 stands objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, it appears to be the Examiner's position that claim 26 does not further limit independent claim 25, because not including on site welding is already covered by claim 25.

Applicants respectfully submit that claim 26 further limits independent claim 25 and therefore is in conformance with 37 C.F.R. § 1.75(c). Specifically, because claim 25 would cover methods with or without on site welding and claim 26 would only cover methods without on site welding, claim 26 is narrower than claim 25 and therefore in conformance with 37 C.F.R. §. 175(c).

In view of the above remarks, Applicants respectfully submit that claim 26 is in proper dependent form. Reconsideration and withdrawal of the Examiner's objection under 37 C.F.R. § 1.75(c) are therefore respectfully requested.

### **Rejection Under 35 U.S.C. § 112**

Claims 8, 10, 20, 22 and 32 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. This rejection is respectfully traversed.

It appears to be the Examiner's position that the yield line theory has not been clearly defined in the claims and therefore the recitation of the yield line theory is indefinite.

As the Examiner will note, claims 8, 10, 20, 22 and 32 have been amended to define the yield line without referring to the yield line theory.

In view of the above amendments and remarks, Applicants respectfully submit that claims 8, 10, 20, 22 and 32 are definite and clear. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph, are respectfully requested.

### **Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 25-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Olashaw, USPN 4,347,015. Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Olashaw in view of Fouse, USPN 3,458,647. These rejections are respectfully traversed.

The present invention is directed to a joint structure, a building and a method of assembling or reinforcing a building.

Independent claims 1 and 13 are directed to the joint structure and the building, respectively. Each of independent claims 1 and 13 recites a combination of elements including “a gusset plate, said gusset plate being formed from a flat plate having first and second opposed faces” and “a plurality of splice plates connected to said gusset plate...at least one of said plurality of splice plates having a face in direct contact with the first opposed face of said gusset plate and at least another of said plurality of splice plates having a face in direct contact with the second opposed face of said gusset plate.”

Independent claim 25 is directed to the method of assembling or reinforcing a building. Independent claim 25 recites a combination of steps including “providing a gusset plate, said gusset plate being formed from a flat plate having first and second opposed faces,” “providing a plurality of splice plates” and “connecting a first end of each of said plurality of splice plates to said gusset plate such that at least one of said plurality of splice plates has a face in direct contact with the first opposed face of the gusset plate and at least another of said plurality of splice plates has a face in direct contact with the second opposed face of said gusset plate.”

Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claims 1, 13 and 25.

In particular, Olashaw is directed to a structural frame corner assembly for electrical switch boards and the like. In the Examiner’s Office Action, the Examiner has considered the width post 10 of Olashaw to be the gusset plate of the present invention and not the gusset plate 22. Since the width post 10 of Olashaw is not formed from a flat plate having first and second opposed faces, the width post 10 of Olashaw cannot be considered to be the gusset plate of the presently claimed invention.

In addition, the gusset plate 22 of Olashaw does not have a plurality of splice plates in direct contact with the first and second opposed faces of the gusset plate 22, Applicants respectfully submit that the Olashaw reference fails to teach or suggest the independent claims of the present invention for this additional reason.

With regard to the Examiner's reliance on the Fouse reference, Fouse has only been relied on for its teaching of splice plates being made from steel. Since Fouse also fails to disclose a gusset plate being formed from a flat plate and a plurality of splice plates connected to the gusset plate such that at least one of the plurality of the splice plates has a face in direct contact with each of the first and second opposed faces, the Fouse reference fails to make up for the deficiencies of Olashaw.

With regard to dependent claims 2-12, 14-24 and 26-32, Applicants respectfully submit that these claims are allowable due their respective dependence upon independent claims 1, 13 and 25, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-32 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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